

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD MONDAY, DECEMBER 16, 2019**

**COUNCIL PRESIDENT ISTNICK** – Welcome to the Massillon City Council Meeting for Monday, December 16, 2019. We have in attendance with us the following city officials: Mayor, Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Law Director, Andrea Scassa, Economic Development Director, Dave Maley and Income Tax/Budget Director, Lori Boron. On the wall to the left are agendas if you wish to follow the meeting. Also, if you look at the agenda, under item #5 is where the public can speak on any item that appears on tonight's agenda and then under item #17 is where the public can speak on any item that does NOT appear on tonight's agenda. I want remind anyone with cell phones, please turn them down or set them to vibrate.

**COUNCIL PRESIDENT ISTNICK** – Roll call.

**1. ROLL CALL**

Roll call for the evening found the following Council Members present: Jill Creamer, Sarita Cunningham, Mike Gregg, Jason Harris, Dave Irwin, Ed Lewis, Linda Litman and Paul Manson.

Roll call of 8 present

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Yes, thank you, Madam President. I make a motion that we excuse Councilwoman Starrett from tonight's meeting.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Litman. Roll call.

8 yes to excuse Councilwoman Starrett.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Councilwoman Starrett has been excused.

**2. INVOCATION**

**COUNCILWOMAN JILL CREAMER**

**3. PLEDGE OF ALLEGIANCE**

**LED BY COUNCILWOMAN CREAMER**

**COUNCIL PRESIDENT ISTNICK** – Thank you, Councilwoman Creamer.

**4. READING OF THE JOURNAL**

**COUNCIL PRESIDENT ISTNICK** – Madam Clerk, are the minutes of the previous meeting transcribed and open for public viewing?

**COUNCIL CLERK ROLLAND** – Yes, they are.

**COUNCIL PRESIDENT ISTNICK** – Are there any additions or corrections to be made?

**COUNCIL CLERK ROLLAND** – No, there are not.

**COUNCIL PRESIDENT ISTNICK** – Then the minutes stand approved as written.

**5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA**

**6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 175 – 2019**

**BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept a grant from the Administrators for Public Entities Pool (PEP) of the Ohio Grant Program to purchase an Automated External Defibrillator (AED) unit for the City Hall Annex Building, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – As stated in the title, this is a grant in order to receive an AED or to be able to purchase an AED. The grant is for \$1,000. Are there any questions or discussion this evening? Seeing none, I make a motion we suspend the rules requiring three readings, bringing Ord. No. 175 – 2019 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Litman. Roll call for suspension.

8 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 175 – 2019 has passed. Ord. No. 176 – 2019.

**ORDINANCE NO. 176 – 2019**

**BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to Extend the current one (1) year contract between the City of Massillon, Ohio, and the Board of Stark County Commissioners to March 1, 2020, for the housing of City of Massillon, Ohio, Codified Ordinance prisoners at the Stark County Jail, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is our annual contract. Whenever we have prisoners and they need to be held at the County Jail, we have to have a contract with the County in order to

do so. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 176 – 2019 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Manson. Roll call for suspension.

8 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 176 – 2019 has passed. Ord. No. 177 – 2019.

**ORDINANCE NO. 177 – 2019**

**BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a service agreement with the Board of Education of the Massillon City School District to provide three (3) police officers for law enforcement services at Washington High School, Massillon Junior High School and Massillon Elementary Schools, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – This is a contract that's similar in nature to what we've had with the school district before regarding police officers in their buildings. This will be the addition of one more officer bringing it to three, as stated in the title. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 177 – 2019 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Litman. Roll call for suspension.

8 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 177 – 2019 has passed. Ord. No. 178 – 2019.

**ORDINANCE NO. 178 – 2109**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 3107 Fire Damage Structures Fund, for the year December 31, 2019, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This appropriation is for \$25,344.00. Whenever there's a structure fire in the City, the insurance money that the City's able to take a portion of that until the property is repaired or demolished. We do have owners that wanting to collect their portion now that their properties have been handled. Are there any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 178 – 2019 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Manson. Roll call for suspension.

8 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 178 – 2019 has passed. Ord. No. 179 – 2019.

**ORDINANCE NO. 179 – 2019**

**BY: FINANCE COMMITTEE**

AN ORDINANCE reducing the appropriations in the 3105 State Patrol Transfer Fund, the 1421 WWT Plant Upgrade Fund, the 1210 Fire Pension Fund, the 1209 Police Pension Fund, the 1409 Municipal Road Fund, the 1340 Tax Increment Fund, the 3110 Massillon Museum Fund and the 3109 TIF Service Payment Fund, for the year ending December 31, 2019, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This ordinance is a clean-up ordinance. It's just zeroing out the named accounts for the end of the year, an accounting practice that we have in the City and all the funds that are currently in there that we are zeroing out are actually being pushed forward and they're in the 2020 budget, so, none of these accounts actually lost any of the funds that were in there. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 179 – 2019 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Litman. Roll call for suspension.

8 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 179 – 2019 has passed. Ord. No. 180 – 2019.

AN ORDINANCE making certain transfers in the 2019 appropriations from within the 1100 General Fund, for the year ending December 31, 2019, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes, Madam President. I'd like to call forward the Safety Service Director.

**COUNCIL PRESIDENT ISTNICK** – Okay. Thank you, Ms. Sylvester.

**BARB SYLVESTER** – Good evening.

**COUNCILMAN LEWIS** – Yes. We had such a late meeting last week and we didn't really get to get into this one by the time we got there. So, this is a \$220,000 transfer into hospital. It looks like it would be for \$3,700 for insurance, \$31,000 to utilities and then \$185,300 into services and contracts. Can you explain what these numbers would be used for?

**BARB SYLVESTER** – Yes. As you did say, we're not appropriating this from the funds. We are actually doing a transfer to, basically, liquidate these funds that are still available there. So, I do know that you had asked last week for Lori to give you the breakdown, again, of the total revenue and the expenses. So, basically, we're not touching any of the net revenue that came into that hospital account, that \$1.5. So, the actual expenses there, the insurance, we have the liability insurance on the building, that's due in January. So, we'll need that. The utilities for the hospital; that's basically through the end of December and somewhat into January until the budget, it's approved and then until the money is appropriated there and then under the services and contracts, as we did speak last week, there are the two leases that were left out there and they both are, the question was asked, they both are in the buy-out stage now. They are eligible for buy-out. So, if we buy out those two leases, then basically, we have that equipment and then we can liquidate that. The security in the building; we do still need that under our services and contracts. So again, we estimated that out basically through into February just because P.E.R.S. can stay open until March; until the money's there. We have the elevator maintenance; that is ongoing. We have the chem treatment which is the chemicals for the boilers; that's ongoing every month. We have the fire system in there; that's going on every month as well as the elevator maintenance and the elevator testings. We do have to continue to get those tested in order to keep them operational.

**COUNCILMAN LEWIS** – So, the revenue, up-to-date, we had what was about \$3.5 million dollars that we brought in through whether it was the sale to Aultman, the sale of properties out in Perry Twp. and the sale of equipment?

**BARB SYLVESTER** – The hospital revenue to date is \$3,933,000.

**COUNCILMAN LEWIS** – So, \$3.9?

**BARB SYLVESTER** – Yes.

**COUNCILMAN LEWIS** – And the expense again?

**BARB SYLVESTER** - \$2,392,000 and that is 2018 and 2019 figures, not just 2019.

**COUNCILMAN LEWIS** – So, \$3.9 million is revenue, \$2.3 million is expense?

**BARB SYLVESTER** – Yes.

**COUNCILMAN LEWIS** – So, about \$615?

**BARB SYLVESTER** - \$1.540.

**COUNCILMAN LEWIS** – And then there's \$220 here?

**BARB SYLVESTER** – But the \$220, we're not touching that since we're liquidating.

**COUNCILMAN LEWIS** – I disagree with that comment because all you're doing is, you're taking from other accounts within the City, right?

**BARB SYLVESTER** – Liquidating those, yes.

**COUNCILMAN LEWIS** – But those accounts that we're taking from aren't hospital accounts. Those are various accounts throughout the City, correct?

**BARB SYLVESTER** – That's correct.

**COUNCILMAN LEWIS** – So, it's an expense.

**BARB SYLVESTER** – You can take it from the unappropriated amount if you want to then, but the Auditor thought...

**COUNCILMAN LEWIS** – I disagree. We don't have the freedom to say, "Oh well, this was just some money over here that we ended up not using". It's an expense, so, the overall expense does go to \$2.5 something, which means there's only a gap of about \$1.3.

**BARB SYLVESTER** – And it will still show up that way, yeah.

**COUNCILMAN LEWIS** – I just want to make sure we're all clear with what we're doing.

**BARB SYLVESTER** – But at this point, we're not taking additional funding. We liquidating.

**COUNCILMAN LEWIS** – It's not coming from the carryover or anything like that?

**BARB SYLVESTER** – Correct.

**COUNCILMAN LEWIS** – I agree; okay.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman.

**COUNCILWOMAN LITMAN** – I just wanted to confirm that the estimated sale value of the equipment would also then funnel back into these figures, as well?

**BARB SYLVESTER** – We will see additional go back in there, yes. That's correct.

**COUNCILWOMAN LITMAN** – Okay. So, do we have an estimated value of that equipment?

**BARB SYLVESTER** – We do not at this point.

**COUNCILWOMAN LITMAN** – Are we going to sell it on the market?

**BARB SYLVESTER** – Well, we have to go through Kiko, that's what you all approved. So, that's what we'll continue with.

**COUNCILWOMAN LITMAN** – Okay. And that will be done the first part of the year?

**BARB SYLVESTER** – That's correct. I mean, we own the equipment.

**COUNCILWOMAN LITMAN** – And that revenue will go back into our revenue figures?

**BARB SYLVESTER** – That's correct.

**COUNCILWOMAN LITMAN** – Okay, thank you.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – Can you explain those two leases of that equipment; what exactly type of equipment is that?

**BARB SYLVESTER** – The one lease is a Konica Minolta, a copier. And the other lease is through Phillips Equipment which is some kind of a mobile ultrasound type machine.

**COUNCILWOMAN CREAMER** – Okay, thank you.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilman Lewis.

**COUNCILMAN LEWIS** – So, before I make a motion, I just want to make it clear then; it sounds like if you do take this into account, we're still well over a million dollars to the good on this. So, we still have some wiggle room to continue to work on the hospital project. With that said, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 180 – 2019 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Litman. Roll call for suspension.

8 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 180 – 2019 has passed.

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

**9. BILLS, ACCOUNTS AND CLAIMS**

The Repository	-	\$ 1,122.00	Publication of October Ordinances
Walter H. Drane Co.	-	<u>4,034.51</u>	Update of Codified Ordinances
		<b>\$ 5,156.51</b>	<b>Total</b>

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I make a motion that we pay the bills.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Litman. Roll call.

8 yes to pay the bills

**COUNCIL PRESIDENT ISTNICK** – The Clerk will pay the bills and charge them to their proper accounts.

**10. REPORTS FROM CITY OFFICIALS**

**11. REPORTS OF COMMITTEES**

**COUNCIL PRESIDENT ISTNICK** – Our next Work Session will be Monday, December 30, 2019 at 6:30 p.m. Council is off the week of December 23<sup>rd</sup> thru December 27<sup>th</sup> and our Council Clerk will be on vacation that week also.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Yes, thank you, Madam President. I'd like to encourage everybody to show up if they can, including the members that will be taking over in January. We'll have some more discussion on Duncan Plaza for sure. That's it.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I was going to say as long as no one has objections, it looks like we will be doing swearing ins; is that correct, President Istnick?

**COUNCIL PRESIDENT ISTNICK** – I believe so. What time is that going to be, Mr. Lewis?

**COUNCILMAN LEWIS** – I was just told people, directly after Council. So, I'm saying try to be about 7:00 p.m., but if we have a healthy conversation, it might be a little bit later.

**COUNCIL PRESIDENT ISTNICK** – Okay. So, afterwards? Okay. Anyone else?

**12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS**

### 13. CALL OF THE CALENDAR

#### **ORDINANCE NO. 126 – 2019**

**BY: POLICE AND FIRE COMMITTEE**

**Tabled November 18, 2019 until December 16, 2019**

AN ORDINANCE amending Chapter 32 of the Massillon Code of 1968 by repealing existing Section 32.14 "Personnel of the Police Department" and enacting a new Section 32.14 "Personnel of the Police Department"; and also repealing Section 2 of Ordinance No. 126 - 1977.

**COUNCIL PRESIDENT ISTNICK** – Councilman Harris.

**COUNCILMAN HARRIS** – Thank you, Madam President. I have not heard anything from the Police Dept. as far as a reworking of this ordinance. Councilman Lewis mentioned before the meeting started that he had talked to Chief Moser and he needed to change some things. Also, as part of this ordinance, I would urge any of the members remaining on Council and those taking over in January to not let the animal control officer portion of this die. It is very important that it becomes part of the Police Dept. personnel allocation so that it remains part of Massillon going forward. It can't be some line item that can be just crossed off. But, in saying that, I make a motion that we table Ord. No. 126 – 2019 indefinitely.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Irwin. Roll call.

8 yes to table Ord. No. 126 – 2019 indefinitely

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 126 – 2019 has been tabled indefinitely. Ord. No. 150 – 2019.

#### **ORDINANCE NO. 150 – 2019**

**BY: FINANCE COMMITTEE**

AN ORDINANCE to adopt appropriations for the operating and capital expenditures of the City of Massillon, Ohio, for the fiscal year 2020, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – So, I'm just going to go straight to the budget because this is the split that goes along with the budget and we can't pass that without budget discussion. So, I just wanted to know is there anymore discussion or questions regarding the budget for 2020 to be had this evening?

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – I'd just like to make a comment. I think maybe there were some questions we didn't get answered and like I brought up to you and I checked it again. The City of Canton, they're working on a temporary budget, maybe. They haven't approved it, but I know they're looking at it. So, if something didn't get answered or taken care of, I know we talked a lot about streets and stuff, but I don't think we really nailed down exactly how it was going to work. So, I just want to make that point.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilwoman Litman.

**COUNCILWOMAN LITMAN** – I would say if there are questions to be brought forward that this is an opportunity to do so. If there are any other questions or any other department heads that you would like to hear from, I certainly think that this is the place and time to do so. So, I don't know if you have any problem with bringing that forward?

**COUNCILMAN MANSON** – Well, we never saw a complete plan on the streets, but, that's my main point that we're talking about here.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – That's my concern also. If we're going to be voting on a budget for the streets; what's the dollar amount and what streets? I know the Engineer Dept. was supposed to provide us a list of those streets and see the dollar value for each of those streets. So, that's my concern along with the Street Dept. and the personnel, at this point. So, if anyone has that list of streets that are on the list for 2020, I would love to see that list, moving forward and tonight.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman.

**COUNCILWOMAN LITMAN** – I think that list is a moving target. In the past, we've always received updates of the suggested streets and even throughout the first part of the following year, we've gotten updates as to whether there are emergency streets that have required more immediate attention than others. On the personnel question, I think that was something that might have had some ambiguity to it in our last conversation, but as far as the list of streets, I think we've gotten a preliminary list each year and I think it has changed significantly throughout the year, anyway. So, I don't know if that would preclude me from voting on a budget for that reason.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I guess I view this as a two-part process. First tonight is just the budget. All we're saying is we are budgeting \$1.5 million dollars for street resurfacing this evening. There's really no where else in this entire budget where we are demanding to see specific projects and details. Next, they can't spend a dime of that until they come to us and tell us the projects and get contracts and go out to bid and we appropriate all that money. All we're saying is that we are budgeting \$1.5 or more into it. So, if your objection is to whether or not you want to know what projects are being done, I understand. Because I want to know what projects are done as well and I want to be able to advocate for what's important in our community. But I do not see any reason to hold up the passage of a budget simply because those streets have not been named quite as yet. As far as personnel concern as stated in a previous meeting, if you want to beef up the personnel in the Street Dept., that is perfectly fine. But there's only two ways we can do that financially. One, we cut into that \$1.5 million dollars and do less street resurfacing in order to be able to afford more staff or two, we use carryover dollars which as of this evening is \$5.6 million dollars; we use carryover dollars to be able to fund that project next year. So, I want to make sure that we're not mixing concerns here on holding up a process when really that step is next coming. That's my only concern.

**COUNCIL PRESIDENT ISTNICK** – Any comments? Councilman Lewis.

**COUNCILMAN LEWIS** – Ord. No. 150 – 2019 is the budget, not the split. So, I make a motion to vote on Ord. No. 150 – 2019, there's no need for suspension.

**COUNCIL PRESIDENT ISTNICK** – These aren't second readings?

**COUNCILMAN LEWIS** – No. They went to third reading and then tabled.

**COUNCIL PRESIDENT ISTNICK** – Isn't Third Reading No. 14 and below?

**COUNCILMAN LEWIS** – But we tabled them.

**COUNCIL PRESIDENT ISTNICK** – Okay.

**COUNCILMAN LEWIS** – So now we're on Call of the Calendar.

**COUNCIL PRESIDENT ISTNICK** – So, you don't need a second?

**COUNCILMAN LEWIS** – I need a second, but we don't need suspension.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Litman. Roll call.

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 150 – 2019 has passed. Ord. No. 151 – 2019.

**ORDINANCE NO. 151 – 2019**

**BY: FINANCE COMMITTEE**

AN ORDINANCE amending Ordinance No. 143 – 1976 to enact a new Section "ALLOCATION OF FUNDS – INCOME TAX" by repealing Section 13 – "ALLOCATION OF FUNDS – INCOME TAX" and enacting a new Section 13 – "ALLOCATION OF FUNDS – INCOME TAX" and repealing Ordinance No. 147 – 2017, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Councilman Lewis.

**COUNCILMAN LEWIS** – Now this is the actual budget for 2020 and I guess I will leave it open again if there are any other comments or discussion.

**COUNCIL CLERK ROLLAND** – No, Ed. This is the split.

**COUNCILMAN LEWIS** – No. No. 150 is the split and No. 151 is the budget.

**COUNCILWOMAN LITMAN** – I have No. 151 in front of me and it is the split.

**COUNCIL CLERK ROLLAND** – And No. 150 is the budget.

**COUNCILMAN LEWIS** – I'm sorry. I must have read the titles wrong. I do apologize.

**COUNCIL CLERK ROLLAND** – So, do we have to revote since you thought you were doing the split as No. 150?

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I guess, if no one objects, then we can let the vote go, but if someone's vote would have been differently with that information provided to them, then we would have to revote.

**COUNCIL PRESIDENT ISTNICK** – Are there any concerns from Council? Seeing none, Councilman Lewis.

**COUNCILMAN LEWIS** – So then, I apologize for misspeaking and we have already passed the budget. So, now we are passing the split which is 94% for the General Fund and 6% to Capital. Are there any questions or discussion regarding that? I make a motion that we bring Ord. No. 151 – 2019 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Litman. Roll call.

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 151 – 2019 has passed.

#### 14. **THIRD READING ORDINANCE AND RESOLUTIONS**

**ORDINANCE NO. 153 – 2019**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with Stark Medical Specialties to provide an economic development "inducement grant" for building renovations and moving costs for the property located at 2458 Lincoln Way E., Massillon, Ohio, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Yes, thank you, Madam President. We've talked about this for about six weeks now. It's at third reading. I move that we bring it forward for passage.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – My problem is that I've been conflicted about this piece for quite some time. The conflicting aspect to me has been due to the close family relation of an elected official in the City, and that's it. The comment that I want to speak to, though, is I have heard out in social media and through other sources about the supposed affluence of the doctors and how they don't need a grant and that grant would be better served for a less fortunate business owner, what not and what forth. And I just wanted to say that in my opinion, I don't know if we should really be the judges of "affluence" of people and determine whether or not someone is deserving based off of the success or lack of success or whatever or however you want to measure it. Additionally, the one cry we constantly hear from our community is, we want more good paying jobs. Well guess what? Well paid people provide good paying jobs. So, if we were to say, if we were to make income a bar that if you make too much money, you can't get a grant, then we would be, essentially, closing out good paying

jobs. I'm assuming the doctor's office is going to hire nurses, possibly physician assistants, radiologist, all of sorts of other things that are good paying careers. These are the types of things we want to attract to our City. So, the argument of "Well, these are doctors. They don't really need the money" falls flat for me because, actually, those are the types of people I want to attract. Not to mention, this is the first time this bar has been used. We have numerous very well-to-do people that have received grants from our City and I'm not going to put them out there, obviously. And we've never used that as a measuring stick. So, I do find it a little off-putting that in this particular case, all of a sudden, affluence becomes an issue and I just say that because I wanted to put it out there on the record regardless of what anybody else may be voting this evening.

**COUNCIL PRESIDENT ISTNICK** – Any other comments? Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – Yes. I still have concerns about this. The lines are still blurred for me, regarding this. I know at the last Work Session it was stated that there was a request for an opinion regarding this and it was going to take an "X" amount of days and it was not going to be back today. I would feel much better if I had that in my hands and for that reason, I am not in favor of this. I wanted to communicate my reasoning for that, the line is just still blurred.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – I just wanted to say that I agree with much of what you said, Mr. Lewis. We haven't gone around and investigated the affluence of people that we've given these grants to. We've mostly looked at worksheets supplied to us saying that we're going to have this amount of jobs and we'll generate maybe this much income tax for the City and stuff like that. So that's why, from the beginning on this, I haven't had a problem with it. I intend to support it. I don't think that that's right that they talk about the affluence. I don't at all. Although I do say when it comes to Aultman up on Wales Rd., it disappointed me that they are affluent and they don't want to pay taxes. That bothers me.

**COUNCIL PRESIDENT ISTNICK** – Anyone else. Councilwoman Cunningham.

**COUNCILWOMAN CUNNINGHAM** – I agree. Raising the bar on how affluent they would be or not, but they're coming in and they will be paying taxes and that's what's important here, I believe and I would be in favor of it.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilman Gregg.

**COUNCILMAN GREGG** – My question is, had they not already moved into the facilities that they're in before they requested the inducement grant?

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I believe it was reported to us that they have already moved in, but I would add to that that is not a typical. We often receive grants from people who have already relocated.

**COUNCILMAN GREGG** – But, as far as an inducement to move in, they had already made that decision. I just wanted to get that clarified. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilwoman Litman.

**COUNCILWOMAN LITMAN** – I do think it's important for us to look at situations versus individuals themselves. I think so many times it gets convoluted and if we did not know the names, if we did not know, if we did not know even the company name, the individual names, but the scenario that we are looking at voting on, I think somehow, some way it makes a difference and to me it does not. As I'm looking at scenarios, that's where I make my decision on whether it's an appropriate inducement grant or not and I will agree that there have been probably over 50% of those requests that we've received, the work has already been done. When they're asking for somewhat of a reimbursement of the expense that they've already put into play and again, that's something that, to me, is a positive. We've got companies that are putting significantly more dollars in than the pittance that we're giving them. It certainly makes a difference to me that they're putting money of their own into their projects, their businesses, their renovations and we're just a small amount of help in most cases. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – I just want to speak to whether or not we've granted them after they were already in. Yes, we have. I think Mr. Maley would support that. I know right off hand, I know one in my mind that we did and maybe I'm thinking a couple. So, that's not new. It has happened before. I'm trying to think if we did anything with the building down on the corner, catty-cornered from St. Mary's; where the sidewalks were at. Did we approve a grant later on after he had already put the sidewalks in?

**COUNCIL PRESIDENT ISTNICK** – Mr. Maley, if you would.

**DAVE MALEY** – All of these are reimbursements. So, they have to spend the money before we give them anything.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – So they're reimbursements. They have to spend the money. What are some other perimeters? Does it have to be a new business to our community or a growth?

**DAVE MALEY** – It has to be a new or expanding business that's expanding.

**COUNCILMAN LEWIS** – Because the arguments then that there are other businesses in Massillon that could use this, but if they're not new or expanding, they wouldn't qualify anyways.

**DAVE MALEY** – That is correct.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilman Manson.

**COUNCILMAN MANSON** – I move that we bring Ord. No. 153 – 2019 forward for passage.

6 yes; 1 no - Creamer; 1 abstained – Harris

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 153 – 2019 has passed. Ord. No. 156 – 2019.

**ORDINANCE NO. 156 – 2019**

**BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE**

AN ORDINANCE amending Section 2(D) Occupation List of Class Titles – City Officials – Law Director, of Ordinance No. 94 – 1994, Ordinance No. 215 – 1995 and Ordinance No. 127 – 1997 by repealing Section 2(D) Occupation List of Class Titles – City Officials – Law Director, and enacting a new Section 2(D) Occupation List of Class Titles – City Officials – Law Director, in the City of Massillon, Ohio, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. This is the ordinance that would move our Law Director's classification from part-time to full-time. We've had a great deal of discussion about that over the past six weeks. Is there additional discussion or comments? Mr. Lewis.

**COUNCIL PRESIDENT ISTNICK** – Mr. Lewis.

**COUNCILMAN LEWIS** – Can we call forward the Law Director.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Ms. Scassa.

**COUNCILMAN LEWIS** – This is just a procedural question, actually.

**ANDREA SCASSA** – Okay.

**COUNCILMAN LEWIS** – So, to my understanding, in order for this to go into effect for 2020, for the term starting 2020, we would need emergency language.

**ANDREA SCASSA** – Correct.

**COUNCILMAN LEWIS** – Because if we do not have emergency language then the effective date would be January 16, 2020, which would be two weeks into the term which then we would not be able to accept, correct?

**ANDREA SCASSA** – Correct.

**COUNCILMAN LEWIS** – And in order to get emergency language passed, we need six votes?

**ANDREA SCASSA** – Correct. You need two-thirds.

**COUNCILMAN LEWIS** – That's all I wanted to clarify for everyone.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – I need clarification from Mr. Lewis' statements regarding January 16, 2020, please.

**COUNCILMAN LEWIS** – So, what we have here, I know a lot of people get a lot of things confused. So, we have, first off, we have suspension, which we do not have this evening. Anytime we suspend an ordinance, we need seven votes in order to suspend. Without seven votes, you cannot suspend the rules. That's not an issue this evening because we're at third reading, so, it's automatically coming up for a vote. It's requested emergency language, but in order to have emergency language take effect, you need to have two-thirds of your Council vote in favor of the ordinance. Otherwise, if you only get a simple majority, say, five votes, then the emergency language is not enacted and it just goes the normal route and without emergency language, any ordinance that we pass takes thirty days before its effective date which would take us to, actually, by January 15, 2020 because there's thirty-one days in this month. Does that make sense?

**COUNCILWOMAN CREAMER** – Well, that's what I needed clarification. Why the rush? Why we needed the emergency language? I mean, wait thirty days. So, we wait thirty days.

**COUNCILMAN LEWIS** – I you wait thirty days then the term beginning 2020 cannot receive the move from part-time to full-time and it wouldn't be able to take effect until the term starting 2024. Because once you start your position in an elected office, you're not able to receive the pay raise.

**COUNCILWOMAN CREAMER** – So, once again, time is an affect. We are now working and needing emergency language in order for this to be in place by January 2020, if I understand this correctly. Okay. Just needed clarification on this.

**COUNCIL PRESIDENT ISTNICK** – I will say in defense of that, we could have passed it on first reading without emergency language and allowed the thirty days to lapse regardless. I mean, we have had it in front of us for six weeks, longer than the thirty days.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilman Manson.

**COUNCILMAN MANSON** – I don't even know what that meant.

**COUNCILMAN LEWIS** – Just because, so, on first reading, we could have suspended the rules and just because you suspend the rules doesn't mean you have to have emergency language. Those are two separate issues on an ordinance. So, we could have voted on it on first reading, which would have been way back in November without emergency language. Thirty days would have passed sometime in December. I'm just saying that either way you cut it, we had six weeks. It just happens that we took the full six weeks of readings and now we don't have thirty days.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – Well, that's my point. I think this topic needed time to have a discussion. This discussion should have been taken place in the fourth quarter of 2018, prior to the primary election. So, that's where, I'm still going back to that, the timing is inappropriate. This should have been taken place, we should have had multiple discussions; this is a topic that is something we just can't do one reading and waive the rules, in my opinion. So, but I'm still, like I stated before, I haven't received my justification, in numbers, regarding what differs from the position now compared to the position two years ago when it's part-time. I still have not got that justification and until I get that justification in numbers, I am not in favor of this.

There's too many other things that we need to have happen in this City and this takes more time, I believe and why not wait until term 2024, so we can get all of our ducks in a row?  
Thank you.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman.

**COUNCILWOMAN LITMAN** – I think we've been spoiled for a very long time where significant time over and above a part-time status has been put into this position. I think that the explanation that we received not only from the current Law Director at the stand, but also in an e-mail describing the position and the issues that are a part of the Law Director's responsibility was certainly enough, in my mind, to warrant this position no matter who's in the position, no matter what the timing, this is something that I am a firm believer in that a Law Director is a very important if not the most important position in city government when it comes to today's society when anyone can be sued for anything at any time to have a competent Law Director available to us twenty-four hours a day, seven days a week, is something, I think, is warranted.

**COUNCIL PRESIDENT ISTNICK** – Councilman Harris.

**COUNCILMAN HARRIS** – Can I ask the Mayor a couple of questions?

**COUNCIL PRESIDENT ISTNICK** – Yes, you may. Mayor, could you come up? Thank you.

**MAYOR CATAZARO-PERRY** – Madam President, Members of Council.

**COUNCILMAN HARRIS** – Good evening, Madam Mayor.

**MAYOR CATAZARO-PERRY** – Good evening.

**COUNCILMAN HARRIS** – You've worked with previous Law Directors. How available were they?

**MAYOR CATAZARO-PERRY** – They weren't always available. They'd have to get back to you. So, I am in favor of having the Law Director be full-time. I want you to just take a moment and imagine that you're the Law Director, put yourself in the Law Director's position and you're part-time, but you must supervise all your staff and you're only here half the time. It's very difficult to do.

**COUNCILMAN HARRIS** – So, you would say in the past, Law Directors have worked the allotted twenty hours a week and that was it?

**MAYOR CATAZARO-PERRY** – I would say that some of them have probably worked over that and not been paid for it.

**COUNCILMAN HARRIS** – So, in the past, Law Directors have worked over and above what they should have been working, but did it because they just wanted to do a good job?

**MAYOR CATAZARO-PERRY** – Sometimes we need answers immediately and we have to call their private office or try to track them down and in times that can be difficult.

**COUNCILMAN HARRIS** – If Law Directors work the allotted twenty hours a week, would the Law Director's office function?

**MAYOR CATAZARO-PERRY** – I don't think effectively. I think it's difficult.

**COUNCILMAN HARRIS** - Do you have anything else you'd like to say?

**MAYOR CATAZARO-PERRY** – I just want you to put yourself in their shoes and every of you have not "shadowed" the Law Director a day, I think if you would do that, you would understand how much they need to be available. They have an entire court system that they oversee. They have domestic violence; there's many things that the Law Director does that you don't really take into account, day-to-day. It's not just serving Council or myself. They do much more than that and a city our size with the court system that we have, I think it's highly warranted to be affective and accurate in what they're doing.

**COUNCIL PRESIDENT ISTNICK** – Councilman Harris.

**COUNCILMAN HARRIS** – Can I speak with the Law Director?

**COUNCIL PRESIDENT ISTNICK** – Thank you, Andrea.

**COUNCILMAN HARRIS** – Good evening, Madam Law Director.

**ANDREA SCASSA** – Hello.

**COUNCILMAN HARRIS** – Approximately how many hours do you work a week for the City; typical week?

**ANDREA SCASSA** – I'm in office as I had said before two and a half days a week. I have chosen to come to Council every Monday as opposed to just Regular Meetings as was previously done. So, I come to Work Sessions as well.

**COUNCILMAN HARRIS** – Right, I'm not just talking about the office days, I'm talking about meetings that you attend, after hours, legal issues that you tackle, whatever.

**ANDREA SCASSA** – I get my e-mails on my phone, on my Ipod. I get my voicemails forwarded through my e-mail to my phone and my Ipod. As I mentioned before, when I'm requested to attend certain meetings and the legal representative, I can't always dictate when those meetings happen, so, sometimes I adjust my schedule to attend those meetings and they may not always fall on days that I am in this office.

**COUNCILMAN HARRIS** – So, by and large, without getting paid for it, you more or less work a full-time schedule now, yes?

**ANDREA SCASSA** – It varies. I mean, obviously, some weeks are busier with the City than others, but I always have tried to make myself as available as possible and no, I've never said "Oh, I got my twenty hours in this week and it's Wednesday, so, I'm done for the City for the rest of the week". I've never taken that approach to it.

**COUNCILMAN HARRIS** – I have a feeling that past Law Directors might have done that and we applaud you for doing that. Work extra and over and above.

**ANDREA SCASSA** – Again, I'm not going to speak about any of my predecessors with that respect. My feeling comes about what I've experienced once I took office.

**COUNCILMAN HARRIS** – Some members on Council have an issue with “Why is this needed now” as opposed to maybe in 2024 or whenever and want to know specific numbers as to what's different now as opposed to maybe last term or you've mentioned things that you've added, but I think more or less that we, like Councilwoman Litman said, we've become spoiled in a sense. The Law Director's office, I don't believe and many that I have talked to in the Administration don't believe that it can function with a part-time director. One that only works twenty hours per week. The idea that a director in any department can function on part-time hours is kind of sounds silly to me. But, from when you started to now and all the stuff that's been added and all the personnel that's been added to the department and things that you oversee; do you think that you do more now than when you started?

**ANDREA SCASSA** – I don't know if I'd say necessarily more now. I would say, again, depending on certain situations that have arose within the past couple of years in the City. Obviously, the hospital situation, the tragedy we had at the reservoir. Those type of things happen and there's no planning for that and those are situations where I'd have to be available. Again, it doesn't matter how many hours I've already worked that week. If a situation arises and legal counsel is needed, in my mind, I have to make myself available. So, like I said, situations arise that demand more of my time, but I can say that I consistently work that way over the past few years. We have had some turnover in our office, so, getting a new staff and I can tell you every time I think the staff is stable, we have someone else that leaves. Whether we have to fill a position and, again, those are things that I think as an administrator, unless you enter into contract employment with your employees, which we do not because we are not union; you're always going to have that part of the job as an administrator with employees or new hires and taking care of that aspect. So, it's not just the legal aspect of the job that I have consistently been dealing with but it's the administrative duties as well. So, I wouldn't say this year there's been more, it's just consistently been issues. Another thing, even though it was not very well received, but for instance, the panhandling ordinance that I brought forward to you. That was, in my mind, the Law Dept. trying to be proactive in taking a look at one of our ordinances that had fallen in conflict with Case Law. And so, even though it wasn't well received, but those are the type of things I would like to take with Law Dept. in a proactive approach with our ordinances or even with the Airbnb as opposed to always being reactive to situations or current topics and it gets very hard to take that type of approach when you are part-time.

**COUNCILMAN HARRIS** – Thank you.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I just wanted to comment. I know there has been questions about numbers and what not. I happen to have the Clerk of Courts annual report that was issued to us about a year ago, early in 2019 and it shows 2018 data. I will remind everyone that it is the Clerk of Courts responsibility to track all cases and all the legal proceedings that go through courts so it affects both our judges and our Law Dept. and from 2017 to 2018 we had about 1,000 additional cases over the previous year and on top of that, we've added two new

communities that we are going to be the prosecutors for and those two communities add up to around 800 to 900 additional cases. So right there, we're looking at about 1,900 cases. Now obviously, some of those 900 from those two communities are already a part of that 1,000 growth. So, conservative estimate is maybe 1,600 additional cases that the Law Dept. would have taken on in 2017 and 2018. When you consider the growth of Jackson Twp. and you consider the growth of the opioid epidemic in our community, I would think it would be reasonable to say that 2018 and 2019 would have similar growth. So, in the past two years, the Law Dept. would have prosecuted an additional 3,200 cases which is 13 cases a day. If you allocate twenty minutes a case, you start to fill up a lot of hours really fast. If we don't pass this now and that rate of growth continues until 2024, you are looking at 8,600 additional cases or also know as 49 cases a day. So, there are some facts and numbers as far as growth and the necessity to make some improvements in our Law Dept. and that doesn't consider any proactivity. That doesn't consider any legal fights or any other battles that our Law Dept. may have to operate.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilman Manson.

**COUNCILMAN MANSON** – Thank you, Madam President. I was going to try to keep my mouth shut and just vote, but I sat and listen to it and I have to speak. You threw some facts out there, but most of what I've been listening to has been nothing but rederick and that doesn't sway me on almost anything. Rederick is easy. I have a serious problem with the timing on this. What didn't take place before the election in November, I mean, you say November is so far back, but I don't think so. It's not that far back to me. Even just the election. But you brought something up a few weeks ago, a couple of weeks ago or whatever about somebody could get a referendum. Well, that's where this comes in. This should have been done sooner. Get it on the ballot. I'm assuming the Law Director probably has to have fifty to one hundred and fifty signatures like many of the other people that run for office where if somebody's going out and try to get a referendum after this is passed in the time that's allowed, they would have to get like a thousand signatures to get the referendum on the ballot. So, that's the main part of this. The other part is and this goes back to something that we voted on not long ago. The tax credit for people that work out-of-town. We had and I was the only person that voted "no" on that. We had a five-year plan in place that many of the people here agreed with that voted to put that tax credit back up to 100%. They agreed to that five-year plan. That bothers me and when I look at it and this is just how I'd look at these things here, when you get a little money, republicans want to cut taxes, doesn't matter whether the infrastructure of the City of Massillon is still a mess and there are many places that it is a mess. Also, democrats tend to want to add to government. We're accused all the time of wanting to make government bigger. That's what we're talking about, adding hours; making those full times; expanding it and I'm not changing my mind on how I intend to vote.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. Paul, I got to disagree with you on the comment regarding making government bigger by going from a part-time position to a full-time position. It's still the same position. We're talking about additional hours that are needed to do the business of Massillon. I personally think it's ridiculous to expect a part-time director to supervise full-time staff. I also think that it's time the city the size of Massillon deserves a full-time Law Director running the Law Dept. Now you might say that we have a list of cities that are larger than us that have part-time. Well, that may be true, but they're also and I saw that same list; they're a list of cities smaller than us that already have full-time law directors

and every city's different. So, I don't think you can judge it by that. I believe the City of Massillon deserves a full-time Law Director and that's why I'm in support of this ordinance and why I move that we bring this forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I was seconded it.

**COUNCIL PRESIDENT ISTNICK** – Did you say that we needed emergency language or we do not?

**COUNCILMAN LEWIS** – It's already in there.

**COUNCIL PRESIDENT ISTNICK** – Okay. Seconded by Councilman Lewis. Any further discussion? Roll call.

6 yes for passage; 2 no – Creamer and Manson voted “no”

**COUNCIL PRESIDENT ISTNICK** – Ord. No. 156 – 2019 has passed. Ord. No. 157 – 2019.

**ORDINANCE NO. 157 – 2019**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1237 Economic Development Fund for Stark Medical Specialties, for the year ending December 31, 2019, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This ordinance coincides with Ord. No. 153 and it's the actual appropriation. I make a motion that we bring Ord. No. 157 – 2019 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Litman. Roll call for passage.

6 yes for passage; 1 no – Creamer; 1 abstained – Harris

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 157 – 2019 has passed. Ord. No. 161 – 2019.

**ORDINANCE NO. 161 – 2019**

**BY: COMMITTEE OF THE WHOLE**

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with the Massillon City School District with regard to the real property tax valuation of permanent parcel number 10003720, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Yes, I would ask if there's anybody that has any questions or if they would like to hear from Mr. Maley if they have any questions? Otherwise, I recommend

that we bring this forward for passage. Any questions, Dave. Could you ask Mr. Maley to come up, please?

**COUNCIL PRESIDENT ISTNICK** – Mr. Maley.

**DAVE MALEY** – I just wanted to make Council aware; I talked to the Treasurer today and the Board did meet this morning and did pass this resolution.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Anyone else? Councilman Manson.

**COUNCILMAN MANSON** – I move that we bring this forward for passage.

**COUNCIL PRESIDENT ISTNICK** – Roll call.

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 161 – 2019 has passed.

## **15. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 165 – 2019**

**BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept an amended agreement with Kimble Recycling and Disposal Done Right for collection and disposal of refuse and collection and delivery of household recyclable materials effective January 1, 2020, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I'd like to call forward the Law Director, please.

**COUNCIL PRESIDENT ISTNICK** – Ms. Scassa, if you would.

**COUNCILMAN LEWIS** – This ordinance would allow Kimble to be able to amend their contract so that there would be an additional \$.60 increase on their collection fees and I believe that would be on the quarterly or is that monthly?

**COUNCILWOMAN LITMAN** – It's monthly.

**COUNCILMAN LEWIS** – On the monthly fee. Okay. My question would be for you is if we amend this agreement does that mean next year when we have their increase that they're warranted to charge, it would be off of the amended fee? This, essentially, this fee then becomes the compounding fee instead of just a one-time increase? Does that make sense?

**ANDREA SCASSA** – It does.

**COUNCILMAN LEWIS** – I'm assuming it does because otherwise, it wouldn't go up next.

**ANDREA SCASSA** – Correct. I'm sorry, I didn't look at that particular point in the contract.

**COUNCILMAN LEWIS** – I just thought of it as we were sitting here.

**ANDREA SCASSA** – It would be nice to have a heads up. I haven't looked at the contract in a while.

**COUNCILMAN LEWIS** – I guess based off of your contractual knowledge, would you assume that that would be the case if this would become the new fee and next year, they would base...

**ANDREA SCASSA** – Sometimes it depends on how the agreement is written and if I remember correctly from what the representative came and said, that increase was more so based on the issues that they've had with recycling and the troubles that they've had with recycling.

**COUNCILMAN LEWIS** – Or if that conversation's already been had with the Administration and they have an answer.

**ANDREA SCASSA** – I apologize.

**COUNCIL PRESIDENT ISTNICK** – Take your time.

**ANDREA SCASSA** – I would have to double check to look through what this in relation to that increase would be to see what the contract terms are.

**COUNCILMAN LEWIS** – It's not necessarily a deal breaker for me, but it would be nice to know just so that we can fully say we had a full understanding of the contract. So, if no one has objections.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman.

**COUNCILWOMAN LITMAN** – I guess I will ask; how many years remain on that contract? It was a five-year contract of which I thought two remain and this is the third year of which it would go up \$.60. But I think it's a calculation or a formula that's used in years beyond this year. So, I would think that that same formula would apply based on the current price which would include the \$.60 that's already been approved because that's where the beginning point would be for the formula going forward.

**COUNCILMAN LEWIS** – That's what my assumption is as well.

**COUNCIL PRESIDENT ISTNICK** – Ms. Sylvester.

**BARB SYLVESTER** – Yes, in the documents that were presented at the Work Session it does say under the contract amendment, "Effective January 1, 2020 through the end of the contract extensions, the contract rates will be increased by \$.60 per unit per month". So, it does state that in what was presented at the Work Session back a few weeks ago. I just found my copy.

**COUNCILMAN LEWIS** – So, next year it'll go up off of the new rate?

**BARB SYLVESTER** – It clearly states through the contract extensions which, like Ms. Litman just said, the years remaining.

**COUNCILMAN LEWIS** – And to speak to what Ms. Litman referenced, I believe the contract started in 2013?

**BARB SYLVESTER** – Yes, that's correct.

**COUNCILMAN LEWIS** – With a five-year static rate and then the five-year option by us. We could actually end this at any point we wanted now. Because it's an option we're exercising every year to continue.

**BARB SYLVESTER** – That we are renewing it, that's correct.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilman Lewis.

**COUNCILMAN LEWIS** – I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 165 – 2019 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Litman. Roll call for suspension.

8 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 165 – 2019 has passed. Ord. No. 168 – 2019.

**ORDINANCE NO. 168 – 2019**

**BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to amend Ordinance No. 144 – 2018, salary and wage schedules for SUPERVISORY (CLASSIFIED OR UNCLASSIFIED) EMPLOYEES, UNCLASSIFIED EMPLOYEES, and MISCELLANEOUS SCHEDULE for part-time employees, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. At this last meeting, this was not ready to be voted on and so I would call forth the Administration to see if they have any more discussion related to this.

**COUNCIL PRESIDENT ISTNICK** – Would anyone like to come up? Ms. Sylvester.

**COUNCILMAN LEWIS** – When it was up for first reading, if I recall correctly, we were asked to go ahead give it first reading and go to second reading. I just wanted to make sure that all the issues or whatever it is, that there are none.

**BARB SYLVESTER** – Not that I am aware of that there are any. These are the classifications, again. Every classification that is here has been approved by City Council and then, basically, these need to be updated to coincide with the pay increases that are scheduled in the budget.

So, each department is required to, of course, follow these classifications with their hiring and these are the updates.

**COUNCILMAN LEWIS** – That jogs the memory of what the question was then, and again, last meeting was, I know it was 10:00 p.m. when we got out of here, so, we didn't get to address this issue. So, we are taking our classifications and we are increasing the rate of pay by 2%?

**BARB SYLVESTER** – That's correct.

**COUNCILMAN LEWIS** – And the question is, if I have these classifications and I'm going to say, someone that's a whatever, for the third box makes \$12.00 per hour and they've been for a year and now they get this raise that we're giving everyone, we're going to say that that third box now is getting 2% more even if someone just got hired in that position?

**BARB SYLVESTER** – That's correct. Everybody goes by the classifications that are on here.

**COUNCILMAN LEWIS** – I guess that's my struggle. So, we all pass the 2% raise for our current employees. What this ordinance does is also providing the 2% increase for any new employees over what our old classifications were allowing. Does that make sense? And I don't know if I can get into agreement with that. Just because I gave a loyal employee that's been here for four, five or ten years a raise, doesn't mean the first day on the job I want that person to also go up with their rate of pay.

**BARB SYLVESTER** – Well, that's what you did last year. This isn't something new that I'm doing.

**COUNCILMAN LEWIS** – But there's a lot of things I did that I might not want to do this year. So, am I the only one that thinks this way and if so, I'll just shut up and move forward?

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman.

**COUNCILWOMAN LITMAN** – I guess my thoughts would be one, cost of living goes up, whether that position is filled or not and when bringing in new employees into these same classifications, that same cost of living exists whether it's filled with a person or not and I would also say that when I'm thinking of personnel, again, I don't look at a person in that position, I look at what that position is worth and if we're hiring new people in, sometimes it's even more difficult to get new employees into the City and into those positions. So, to be comparable the rate of pay for that particular position, I guess would be appropriate in my mind.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Excluding step increases, we're just, because I know we have step increases out there, what this ordinance does; if I come in here and I work for the City of Massillon and I work a job making \$10.00 an hour and I get a 2% increase, what does that make it? \$10.20 an hour and I've been here for one year and I got my 2% and then my neighbor comes in and he works in with no experience, he's also getting \$10.20, right? Because that's my new base. Another year passes and I get another 2% raise; so, now I'm making \$10.40+. My other neighbor comes in, I've already worked here for 2 years doing that job, he gets another job like me and he's making \$10.40+. I am not getting any credit for the fact that I've got three years of service. Now, we've got step increases that we can account for

which are a different animal. But, do you see what I'm saying? If we keep raising the bottom, we're not actually giving anybody any kind of credit for that. We're just raising our bar; we're raising our bottom. We didn't give raises; we gave cost of living increases. I just want to make sure because a lot of times when we start doing things, I'm not saying I'm opposed or for; we say a lot of things but we don't fully actualize what it is that we're saying sometimes and what we're doing. And what we're doing is we're raising the bottom up on what we are paying our employees and if everybody's okay with it, that's fine. I don't have an issue with that. I just want to make sure we're fully understanding what we're voting on and we're just not going to say, oh, we're voting because we put 2% raises in and we got to make sure the budget lines up because that's not what's happening here.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – Yes, Mr. Lewis, if I'm understanding that right; you are increasing the base rate of anyone walking in the door. But, if you look at the spreadsheets, the columns entry level, one year. So, you wouldn't be making the same amount of money as somebody walking in the door, if I'm looking at this spreadsheet correctly. Because I now, like you said, step. You're going to go to the step, you're going to go to the next step after one year, two year, three, four, five, ten, fifteen, twenty-five, thirty. So, you are not going to be making that same amount of money as someone walking in the door, if you've been here a year. Is that correct, Ms. Sylvester?

**BARB SYLVESTER** – You are correct.

**COUNCILWOMAN CREAMER** – Okay. So, the steps are built into that base rate. So, not everyone is making that same amount of money.

**BARB SYLVESTER** – That's correct.

**COUNCIL PRESIDENT ISTNICK** – Any other comments? Councilman Lewis.

**COUNCILMAN LEWIS** – I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 168 – 2019 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Manson. Roll call for suspension.

8 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

8 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 168 – 2019 has passed. Ord. No. 174 – 2019.

AN ORDINANCE reinstating the increase in pay based on the previous year's United States Consumer Price Index for the Council President, Council Members, Mayor, Auditor, Law Director and Treasurer, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Thank you, Madam President. It's my intention to waive the rule and bring this forward tonight. Anybody have any questions they would like to add or comments they'd like to make? We've talked about this for a long time.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – As I stated last week, regardless of my personal opinions on this, when it comes time to vote, I'll be yet voting "yes" to suspend so that this can finally be put to rest one way or the other.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilman Manson.

**COUNCILMAN MANSON** – I'm glad you said that. I'd like to make a motion that we waive the rule requiring three separate readings and bring Ord. No. 174 – 2019 forward for passage.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Irwin. Roll call for suspension.

8 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

4 yes for passage; 4 no for passage – Harris, Lewis, Creamer and Gregg voted no

**COUNCIL CLERK ROLLAND** – Madam President, we have a tie.

**COUNCIL PRESIDENT ISTNICK** – We do have a tie. My first official vote. I look at this not as a raise, but I look at this as a "cost-of-living" and I'm going to vote "yes". Councilman Lewis.

**COUNCILMAN LEWIS** – I would point out that your vote only makes 5, meaning emergency language does not take effect. This ordinance cannot take effect before the next term starts. Therefore, it would make it ineffective unless the Law Director is able to find an opening that allows it to still take effect.

**COUNCIL PRESIDENT ISTNICK** – Okay. So, Ord. No. 174 – 2019 has passed without emergency language. Ms. Scassa, would you like to come up?

**ANDREA SCASSA** – I would agree that it would not take effect by January 1<sup>st</sup>. I can do some research to see if there's any Case Law out there that would lend weight to it being able to go into effect for this term. But I can tell you that the Case Law research that I have done with regards to this issue, I do not believe that there is a mechanism for the cost-of-living to go into effect for this term since it doesn't have emergency language, but I can take a look further.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Any other comments? Councilman Gregg.

**COUNCILMAN GREGG** – Question, though. If it cannot go into effect, when would it go into effect, if nothing changes? Because we have multiple term lengths.

**ANDREA SCASSA** – Correct. If you look at the way that the ordinance is written, there are different effective dates for different terms. Council serves a two-year term, so, 2021, 2022 would go into effect for Council. For the other elected officials who serve four-year terms, it would go into effect for their next four-year term.

**COUNCILMAN GREGG** – So, it would go into effect on a staggered basis based upon the term of the different positions?

**ANDREA SCASSA** – Yes. And actually, the Treasurer is on a different track than the other four-year term elected officials. That position is on a different track. So, without emergency language, I would have to look to see when her next term starts. So, it would just be the beginning of the next term.

**COUNCILMAN GREGG** – For each individual position?

**ANDREA SCASSA** – Correct.

**COUNCILMAN GREGG** – Thank you.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Yeah, I have a question before the Law Director goes back. We passed it, but we didn't pass it with enough to create an emergency so we could put it into effect, sign it right away. So now, if we have a Special Meeting before the end of the year and how soon, if we just pass it by a majority, how soon could it take effect, if it went three readings?

**ANDREA SCASSA** – It would still need emergency language to suspend the thirty-days to go into effect. That's the point.

**COUNCILMAN MANSON** – But, if we passed it with six, rather than just the majority on the third reading; if we passed it with six, that would still be emergency with the emergency language...

**ANDREA SCASSA** – Yes.

**COUNCILMAN MANSON** - ...it could be signed on the 31<sup>st</sup> then, correct?

**ANDREA SCASSA** – You need, for emergency language to take effect, you need two-thirds of the six.

**COUNCILMAN MANSON** – Six out of nine?

**ANDREA SCASSA** – Correct.

**COUNCILMAN MANSON** – Six out of eight?

**COUNCIL PRESIDENT ISTNICK** – I was going to say, we only have eight.

**COUNCILMAN MANSON** – So, I'd just would tell you that I will call an emergency meeting for 6:30 p.m. on the 30<sup>th</sup>. I want to make that known to everybody and then we'll take care of getting all of the mail and stuff sent out and maybe we'll have another Council person here by that time.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I mean, obviously, we're free to do that and whatever, but as it stands now, you have four Council Members that voted "no" and even with the addition of Mrs. Starrett, you could come up with the same vote count, which still gives you the same result. So, unless one of those four were to switch to a "yes".

**COUNCILMAN MANSON** – Well, we'll try.

**COUNCIL PRESIDENT ISTNICK** – Any other comments? Thank you, Ms. Scassa.

**COUNCIL CLERK ROLLAND** – So, what is the status on this? Is it passed without emergency language?

**COUNCIL PRESIDENT ISTNICK** – Yes.

**16. NEW AND MISCELLANEOUS BUSINESS**

**17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA**

**JAMES HAAVISTO** – 2443 Wittenberg Ave. S.E., Massillon, Ohio, and first of all, I just want to put on the public record and thank the service because we're getting close to the end of the year now and thank you, Sarita Cunningham, Dave Irwin, Paul Manson and Jason Harris. Paul, you may be surprised to hear this, I think you're going to be a huge loss for this Council and I mean that, sincerely and I wanted to point that out. I did want to point out an observation, though, that I'm very concerned about Council and I hope next year's looks a little bit different from the gallery back here. And that is that at least twice this year if not three times, we had a Council person with serious, serious questions on an issue, including the one just passed tonight and that debate seems to be shut down and the last time was regarding the hospital and it was like we could go on talking about this all night and I am referring to the person that was shut down was my councilperson, my Ward councilperson, Jill Creamer. And I support her 100% in questioning things. The results may not have been any different, but she absolutely has the right as anyone on this Council does, including the new Council, to get their questions answered and thoroughly answered. I did send here an e-mail this week. She responded quickly as she always does. I sent out three other e-mails just to the Council-at-Large, I hope you all got yours and again, it doesn't matter what the result was. That's not what I'm here to talk about. What I'm here to talk about is shutting down debate in this Council. So, that's a number one issue; observing from the gallery. The secondary issue, and I saw it addressed tonight and I appreciate that, Councilman Lewis. The advice coming from the Administration and the whispers, those should stop. Those should be on public record. The Administration should not be directing how the Council should handle legislation. This is a

separate body. It's very important, as Ms. Istnick said one time, it's very prestigious and I agree with that. But, I would just as a citizen, I'm not a candidate now, I will be soon, but I'm not a candidate right now. I'm a taxpaying citizen of the City of Massillon and we have got to self-govern ourselves. We have to self-guard ourselves and we have to do business right. We're not always going to get our way. We're not always going to get our legislation passed, but we cannot be a "rubber stamp" society. I think we need to take a look at campaign finance. I think we need to limit the amount of money applied to the Administration or to any candidate in this body when they do business with the City of Massillon. I have heard words of retaliation and etc. I'm going to leave that stop right there. I heard that word way too many times during this election cycle. Again, has nothing to do with the results. But we need to govern ourselves properly. We need to be very careful about how much money that's allowed to enter our political system in this City and if they do business with the City, it must be limited. That is my opinion. Thank you so much and, again, all of you that served. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Is there anyone else? Seeing none, before I adjourn, I would like to, also, thank Councilwoman Cunningham, Councilman Irwin, Manson and Harris for your service and ditto, Mr. Haavisto. You are all are going to be missed and I wish you nothing but the best in the future.

## **18. ADJOURNMENT**

**COUNCILWOMAN CREAMER** – I make a motion to adjourn.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Irwin. Meeting adjourned.

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DIANE ROLLAND, COUNCIL CLERK

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CLAUDETTE ISTNICK, PRESIDENT